

Jeffrey D. Talbert  
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207.791.3239

April 3, 2020

Regional FOIA Officer  
U.S. EPA, Region 1 (ORC01-5)  
5 Post Office Square, Suite 100  
Boston, MA 02109-3912

**RE: Freedom of Information Act Request**

Dear Regional FOIA Officer:

I am writing to request that the United States Environmental Protection Agency ("EPA") provide copies of the records described below pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. § 522, and the EPA FOIA regulations at 40 C.F.R. § 2.100, et seq.

This FOIA request seeks a copy of the National Pollutant Discharge Elimination System ("NPDES") Permit No. MA0003590 permit renewal application submitted by, or on behalf of, the Massachusetts Bay Transportation Authority ("MBTA") in or around 2012. EPA must produce NPDES permit applications upon request under 33 U.S.C. § 1342(j) and 40 C.F.R. § 122.7(c).

Records requested are as follows:

1. Any NPDES individual permit renewal application or applications submitted by, or on behalf of, the MBTA that would renew, modify, or otherwise supersede NPDES Permit No. MA0003590, which was last reissued on or around June 11, 2007.
2. Any other NPDES permit applications submitted by, or on behalf of, the MBTA for discharges involving the same location as NPDES Permit No. MA0003590, namely discharges into Unnamed Tributary, locally known as the Millers River (MA 72-31) from the MBTA's facility or activities at the Commuter Rail Maintenance Facility, 70 Rear Third Avenue, Somerville, MA 02143-4458.
3. Any supplemental information or supplemental submissions from, or on behalf of, MBTA regarding any NPDES permit renewal application or applications identified under requests (1) or (2) above.

Should EPA invoke a FOIA exemption to withhold any of the requested records, please include in your full or partial denial letter sufficient information to allow an appeal of the denial. Such information should include basic factual material about the item(s) withheld, the exemption invoked, and the justification for withholding the record(s). To the extent EPA withholds any part of a NPDES permit application please also provide a justification why 33 U.S.C. § 1342(j) and 40 C.F.R. § 122.7(c) do not require reproduction of the application in full.

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I am willing to pay reasonable fees incurred in responding to this request. Please notify me if the records requested are particularly voluminous or if production will incur significant fees. Please produce records on a rolling basis in electronic format, whenever possible, to the email address [jtalbert@preti.com](mailto:jtalbert@preti.com). If it is necessary to produce records in hard copy, please mail those records to:

Jeffrey Talbert  
One City Center  
P.O. Box 9546  
Portland, ME 04112-9546

If this request is unclear in any way, or there is any issue with this request that would affect gathering or producing the records requested, please contact me at (207) 791-3239 or [jtalbert@preti.com](mailto:jtalbert@preti.com). Thank you for your attention to this request.

Sincerely,



Jeffrey Talbert

JDT:jym

cc: Damien Houlihan ([houlihan.damien@epa.gov](mailto:houlihan.damien@epa.gov))